

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 4, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-15405 - APPLICANT: GAMESTOP, INC - OWNER:  
THEODORE M. KRUGER**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Secondhand Dealer use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0057-60) and Site Development Plan Review (SDR-6023) shall be required.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

The applicant is petitioning for a Special Use Permit for a Secondhand Dealer (COMPUTER GAMES) at 6250 West Charleston Boulevard, Suite 110.

**EXECUTIVE SUMMARY**

The applicant seeks approval for a Special Use Permit as a Second Hand Dealer of electronic games at 6250 West Charleston Boulevard, Suite 110. The Special Use Permit is required as the applicant will be providing cash exchange towards new/used video games in addition to credit for exchanged games.

**BACKGROUND INFORMATION**

***A) Related Actions***

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|----------|--|
| 02/09/61 | The City Council approved a request for Rezoning (Z-0057-60) to R-3 (Medium Density Residential) and C-1 (Limited Commercial) on property generally located on the north side of Charleston Boulevard, east of Torrey Pines Drive. The Planning Commission recommended approval on 01/12/61.   |
| 06/19/92 | The City Council approved an appeal for a Special Use Permit (U-0092-95) for a 672 square-foot Off-Premise Advertising (Billboard) Sign on property generally located on the north side of Charleston Boulevard, 450 east of Torrey Pines Drive. The Board of Zoning Adjustment recommended denial on 05/26/92.  |
| 10/13/97 | The City Council approved an appeal for a Five-Year Required Review of a Special Use Permit [U-0092-95(1)] for a 672 square-foot Off-Premise Advertising (Billboard) Sign to continue on property generally located on the north side of Charleston Boulevard, 450 east of Torrey Pines Drive. The Planning Commission recommended denial on 09/11/97. |
| 03/12/98 | The Planning Commission approved a request for a Site Development Plan Review [Z-0057-60(1)] on property located on the north side of Charleston Boulevard approximately 200 feet east of Torrey Pines Drive (immediately to the west of the subject site) for a proposed 4,270 square-foot fast food restaurant.                                      |

- 04/07/04 The City Council approved a request for a Site Development Plan Review (SDR-3790) and Waivers of perimeter buffering and landscaping standards for a 101,000 square-foot retail center and a Special Use Permit (SUP-3815) for Liquor Sales (Off-Premise Consumption) adjacent to the north side of Charleston Terrace, approximately 375 feet east of Torrey Pines Drive. The Planning Commission and staff recommended approval.
- 02/16/05 The City Council held Review of Condition (ROC-5940) in abeyance to 03/02/05. The request for a Review of Condition Number 17 of an approved Site Development Plan Review (SDR-3790) to allow delivery hours between 5:30 A.M. and 10 P.M. where the hours were restricted to 8:00 A.M. TO 8:00 P.M. for an approved 94,978 Square Foot Retail Center on 9.74 acres adjacent to the north side of Charleston Avenue, approximately 375 feet east of Torrey Pines Drive.
- 03/02/05 The City Council approved the Review of Condition (ROC-5940). The request for a Review of Condition Number 17 of an approved Site Development Plan Review (SDR-3790) was amended to allow for delivery hours to be between 5:30 A.M. and 10:00 P.M. A one-year review from the time a temporary or permanent Certificate of Occupancy is issued for the delivery hours.
- 05/16/05 The City Council approved a Site Development Review (SDR-6023) for a 94,978 sq. ft. commercial development on 10.21 acres near Torrey Pines and Charleston Boulevard. The Notice of Final Action was filed with the Las Vegas City Clerk on May 5<sup>th</sup>, 2005.
- 03/02/06 The City Council approved a Master Sign Plan (MSP 10761) for a commercial/retail development on 10.10 acres adjacent to the north side of Charleston Boulevard, approximately 400 feet east of Torrey Pines Drive (APNs 138-35-801-002, 138-35-803-001, and 138-35-403-005)
- 09/07/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #7/mh).

***B) Pre-Application Meeting***

- 06/30/06 The applicant was informed that per Titles 19 and 6 of the LV Municipal Code a Special Use Permit is required by any Secondhand Dealer that is providing a cash exchange for new/used materials.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

## **DETAILS OF APPLICATION REQUEST**

**A) *Site Area***

Net Acres: 2.2

**B) *Existing Land Use***

Subject Property: Service Commercial

North: Apartments

South: Community College

East: Retail Uses

West: Fast Food Restaurants

**C) *Planned Land Use***

Subject Property: SC (Service Commercial)

North: M (Medium Density Residential)

L (Low Density Residential)

South: PF (Public Facilities)

East: SC (Service Commercial)

West: SC (Service Commercial)

**D) *Existing Zoning***

Subject Property: C-1 (Limited Commercial)

North: R-3 (Medium Density Residential)

R-1 (Single Family Residential)

South: C-V (Civic)

East: C-1 (Limited Commercial)

West: C-1 (Limited Commercial)

**E) *General Plan Compliance***

The subject site is designated as SC (Service Commercial) on the Southwest Sector Plan map of the General Plan. The SC (Service Commercial) designation allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. The current C-1 (Limited Commercial) zoning district that applies to the subject site is in conformance with the current SC (Service Commercial) General Plan designation.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		<b>X</b>
<b>Special Overlay District</b>		
Airport Overlay District	<b>X</b>	
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

The property is located within the Airport Overlay District and is restricted to 200 feet in height. This restriction will not affect the applicant's request for a Special use Permit for a Second Hand Dealer.

## **ANALYSIS**

### ***A) Zoning Code Compliance***

#### **A1) Parking and Traffic Standards**

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

<b>Uses</b>	<b>GFA</b>	<b>Ratio</b>	<b>Required</b>		<b>Provided</b>	
			<b>Parking</b>		<b>Parking</b>	
			<b>Regular</b>	<b>Handicap</b>	<b>Regular</b>	<b>Handicap</b>
Secondhand Dealer	1200 SF.	1/250 sq ft GFA	5	1	42	2

The proposed Secondhand Dealer use is in compliance Title 19.10 Requirements for parking as it exceeds the minimum required spaces.

#### **A2) Minimum Distance Separation Requirements**

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Secondhand Dealer use and there are no similar approved uses within the 1000' notification distance.

### ***B) General Analysis and Discussion***

- Zoning

The location for the proposed use falls under the SC (Service Commercial) General Plan designation. The current zoning district, C-1 (Limited Commercial), allows for a Secondhand Dealer with an approved Special Use Permit. This area is characteristic of commercial development, which would be compatible with this proposed land use.

- Use

The request is for a Special Use Permit for a proposed Secondhand Dealer (Computer Games) in the Charleston Festival Shopping Center. The applicant will be providing cash for exchange of new and/or used computer games. The site receives access from Charleston Boulevard, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways.

- Conditions

1. No outdoor display, sales or storage of any merchandise shall be permitted.
2. The use shall comply with the applicable requirements of LVMC Title 6.74.040
3. No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The location for the proposed use falls under the SC (Service Commercial) General Plan designation and as such is in compliance with the General Plan as a commercial activity deemed compatible with existing and future land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The location of the proposed Secondhand Dealer (Computer Games) is located within the Charleston Festival Shopping Center, a physically suitable site for this type of use with an approved Special Use Permit.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The shopping center fronts Charleston Boulevard, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. The suite receives access to Charleston Boulevard a Primary (100-foot) Arterial on the Master Plan of Streets and Highways.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The request is for a Special Use Permit for a proposed Secondhand Dealer (Computer Games) would not compromise the public health, safety, and welfare as the applicant is only providing a service for giving cash credit for used computer games.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 11

**NOTICES MAILED** 376 by City Clerk

**APPROVALS** 0

**PROTESTS** 0